

## Calendar No. 685

108TH CONGRESS  
2D SESSION**S. 2543****[Report No. 108–329]**

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 17, 2004

Mr. THOMAS (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 25, 2004

Reported under authority of the order of the Senate of July 22, 2004, by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

---

**A BILL**

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*  
 3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) ~~SHORT TITLE.—This Act may be cited as the~~  
 5       ~~“National Heritage Partnership Act”.~~

1       (b) **TABLE OF CONTENTS.**—The table of contents of  
 2 this Act is as follows:

See. 1: Short title; table of contents.  
 See. 2: Definitions.  
 See. 3: National Heritage Areas program.  
 See. 4: Suitability-feasibility studies.  
 See. 5: Management plans.  
 See. 6: Local coordinating entities.  
 See. 7: Relationship to other Federal agencies.  
 See. 8: Private property and regulatory protections.  
 See. 9: Authorization of appropriations.

3 **SEC. 2. DEFINITIONS.**

4       In this Act:

5           (1) **LOCAL COORDINATING ENTITY.**—The term  
 6 “local coordinating entity” means the entity des-  
 7 ignated by Congress—

8           (A) to develop, in partnership with others,  
 9 the management plan for a National Heritage  
 10 Area; and

11           (B) to act as a catalyst for the implemen-  
 12 tation of projects and programs among diverse  
 13 partners in the National Heritage Area.

14           (2) **MANAGEMENT PLAN.**—The term “manage-  
 15 ment plan” means the plan prepared by the local co-  
 16 ordinating entity for a National Heritage Area des-  
 17 ignated by Congress that specifies actions, policies,  
 18 strategies, performance goals, and recommendations  
 19 to meet the goals of the National Heritage Area, in  
 20 accordance with section 5.

1           ~~(3) NATIONAL HERITAGE AREA.—~~The term  
 2           “National Heritage Area” means an area designated  
 3           by Congress that is nationally significant to the her-  
 4           itage of the United States and meets the criteria es-  
 5           tablished under section 4(a).

6           ~~(4) NATIONAL SIGNIFICANCE.—~~The term “na-  
 7           tional significance” means possession of—

8                   (A) unique natural, historical, cultural,  
 9                   educational, scenic, or recreational resources of  
 10                  exceptional value or quality; and

11                  (B) a high degree of integrity of location,  
 12                  setting, or association in illustrating or inter-  
 13                  preting the heritage of the United States.

14           ~~(5) PROGRAM.—~~The term “program” means  
 15           the National Heritage Areas program established  
 16           under section 3(a).

17           ~~(6) PROPOSED NATIONAL HERITAGE AREA.—~~  
 18           The term “proposed National Heritage Area” means  
 19           an area under study by the Secretary or other par-  
 20           ties for potential designation by Congress as a Na-  
 21           tional Heritage Area.

22           ~~(7) SECRETARY.—~~The term “Secretary” means  
 23           the Secretary of the Interior.

24           ~~(8) SUITABILITY-FEASIBILITY STUDY.—~~The  
 25           term “suitability-feasibility study” means a study

1 conducted by the Secretary, or conducted by 1 or  
 2 more other interested parties and reviewed by the  
 3 Secretary, in accordance with the criteria and pro-  
 4 cesses established under section 4, to determine  
 5 whether an area meets the criteria to be designated  
 6 as a National Heritage Area by Congress.

7 **SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.**

8 (a) IN GENERAL.—Subject to the availability of  
 9 funds, the Secretary shall establish a National Heritage  
 10 Areas program under which the Secretary shall provide  
 11 technical and financial assistance to local coordinating en-  
 12 tities to support the establishment of National Heritage  
 13 Areas.

14 (b) DUTIES.—Under the program, the Secretary  
 15 shall—

16 (1)(A) conduct suitability-feasibility studies, as  
 17 directed by Congress, to assess the suitability and  
 18 feasibility of designating proposed National Heritage  
 19 Areas; or

20 (B) review and comment on suitability-feasi-  
 21 bility studies undertaken by other parties to make  
 22 such assessment;

23 (2) provide technical assistance, on a reimburs-  
 24 able or non-reimbursable basis (as determined by the  
 25 Secretary), for the development and implementation

1 of management plans for designated National Herit-  
2 age Areas;

3 ~~(3)~~ enter into cooperative agreements with in-  
4 terested parties to carry out this Act;

5 ~~(4)~~ provide information, promote under-  
6 standing, and encourage research on National Herit-  
7 age Areas in partnership with local coordinating en-  
8 tities;

9 ~~(5)~~ provide national oversight, analysis, coordi-  
10 nation, and technical assistance and support to en-  
11 sure consistency and accountability under the pro-  
12 gram; and

13 ~~(6)~~ submit annually to the Committee on Re-  
14 sources of the House of Representatives and the  
15 Committee on Energy and Natural Resources of the  
16 Senate a report describing the allocation and ex-  
17 penditure of funds for activities conducted with re-  
18 spect to National Heritage Areas under this Act.

19 **SEC. 4. SUITABILITY-FEASIBILITY STUDIES.**

20 ~~(a) CRITERIA.~~—In conducting or reviewing a suit-  
21 ability-feasibility study, the Secretary shall apply the fol-  
22 lowing criteria to determine the suitability and feasibility  
23 of designating a proposed National Heritage Area:

24 ~~(1)~~ An area—

1           (A) has an assemblage of natural, historic,  
2           cultural, educational, scenic, or recreational re-  
3           sources that together are nationally significant  
4           to the heritage of the United States;

5           (B) represents distinctive aspects of the  
6           heritage of the United States worthy of recogni-  
7           tion, conservation, interpretation, and con-  
8           tinuing use;

9           (C) is best managed as such an assemblage  
10          through partnerships among public and private  
11          entities at the local or regional level;

12          (D) reflects traditions, customs, beliefs,  
13          and folklife that are a valuable part of the her-  
14          itage of the United States;

15          (E) provides outstanding opportunities to  
16          conserve natural, historical, cultural, or scenic  
17          features;

18          (F) provides outstanding recreational or  
19          educational opportunities; and

20          (G) has resources and traditional uses that  
21          have national significance.

22          (2) Residents, business interests, nonprofit or-  
23          ganizations, and governments (including relevant  
24          Federal land management agencies) within the pro-  
25          posed area are involved in the planning and have

1 demonstrated significant support through letters and  
2 other means for National Heritage Area designation  
3 and management.

4 (3) The local coordinating entity responsible for  
5 preparing and implementing the management plan is  
6 identified.

7 (4) The proposed local coordinating entity and  
8 units of government supporting the designation are  
9 willing and have documented a significant commit-  
10 ment to work in partnership to protect, enhance, in-  
11 terpret, fund, manage, and develop resources within  
12 the National Heritage Area.

13 (5) The proposed local coordinating entity has  
14 developed a conceptual financial plan that outlines  
15 the roles of all participants (including the Federal  
16 Government) in the management of the National  
17 Heritage Area.

18 (6) The proposal is consistent with continued  
19 economic activity within the area.

20 (7) A conceptual boundary map has been devel-  
21 oped and is supported by the public and partici-  
22 pating Federal agencies.

23 (b) CONSULTATION.—In conducting or reviewing a  
24 suitability-feasibility study, the Secretary shall consult  
25 with the managers of any Federal land within the pro-

1 posed National Heritage Area and secure the concurrence  
2 of the managers with the findings of the suitability-feasi-  
3 bility study before making a determination for designa-  
4 tion.

5 (c) TRANSMITTAL.—On completion or receipt of a  
6 suitability-feasibility study for a National Heritage Area,  
7 the Secretary shall—

8 (1) review, comment, and make findings (in ac-  
9 cordance with the criteria specified in subsection (a))  
10 on the feasibility of designating the National Herit-  
11 age Area;

12 (2) consult with the Governor of each State in  
13 which the proposed National Heritage Area is lo-  
14 cated; and

15 (3) transmit to the Committee on Resources of  
16 the House of Representatives and the Committee on  
17 Energy and Natural Resources of the Senate, the  
18 suitability-feasibility study, including—

19 (A) any comments received from the Gov-  
20 ernor of each State in which the proposed Na-  
21 tional Heritage Area is located; and

22 (B) a finding as to whether the proposed  
23 National Heritage Area meets the criteria for  
24 designation.

25 (d) DISAPPROVAL.—



1           (1) ~~IN GENERAL.~~—If the Secretary determines  
 2           that any proposed National Heritage Area does not  
 3           meet the criteria for designation, the Secretary shall  
 4           include within the suitability-feasibility study sub-  
 5           mitted under subsection (c)(3) a description of the  
 6           reasons for the determination.

7           (2) ~~OTHER FACTORS.~~—A finding by the Sec-  
 8           retary that a proposed National Heritage Area  
 9           meets the criteria for designation shall not preclude  
 10          the Secretary from recommending against designa-  
 11          tion of the proposed National Heritage Area based  
 12          on the budgetary impact of the designation or any  
 13          other factor unrelated to the criteria.

14          (c) ~~DESIGNATION.~~—The designation of a National  
 15          Heritage Area shall be—

16                (1) by Act of Congress; and

17                (2) contingent on the prior completion of a suit-  
 18                ability-feasibility study and an affirmative deter-  
 19                mination by the Secretary that the area meets the  
 20                criteria established under subsection (a).

21   **SEC. 5. MANAGEMENT PLANS.**

22          (a) ~~REQUIREMENTS.~~—The management plan for any  
 23          National Heritage Area shall—

24                (1) describe comprehensive policies, goals, strat-  
 25                egies, and recommendations for telling the story of

1 the heritage of the area covered by the National  
2 Heritage Area and encouraging long-term resource  
3 protection, enhancement, interpretation, funding,  
4 management, and development of the National Her-  
5 itage Area;

6 (2) include a description of actions and commit-  
7 ments that governments, private organizations, and  
8 citizens will take to protect, enhance, interpret, fund,  
9 manage, and develop the natural, historical, cultural,  
10 educational, scenic, and recreational resources of the  
11 National Heritage Area;

12 (3) specify existing and potential sources of  
13 funding or economic development strategies to pro-  
14 tect, enhance, interpret, fund, manage, and develop  
15 the National Heritage Area;

16 (4) include an inventory of the natural, histor-  
17 ical, cultural, educational, scenic, and recreational  
18 resources of the National Heritage Area related to  
19 the national significance and themes of the National  
20 Heritage Area that should be protected, enhanced,  
21 interpreted, managed, funded, and developed;

22 (5) recommend policies and strategies for re-  
23 source management, including the development of  
24 intergovernmental and interagency agreements to  
25 protect, enhance, interpret, fund, manage, and de-

1 develop the natural, historical, cultural, educational,  
2 scenic, and recreational resources of the National  
3 Heritage Area;

4 (6) describe a program for implementation for  
5 the management plan, including—

6 (A) performance goals;

7 (B) plans for resource protection, enhance-  
8 ment, interpretation, funding, management, and  
9 development; and

10 (C) specific commitments for implementa-  
11 tion that have been made by the local coordi-  
12 nating entity or any government agency, organi-  
13 zation, business, or individual;

14 (7) include an analysis of, and recommenda-  
15 tions for, means by which Federal, State, and local  
16 programs may best be coordinated (including the  
17 role of the National Park Service and other Federal  
18 agencies associated with the National Heritage  
19 Area) to further the purposes of this Act; and

20 (8) include a business plan that—

21 (A) describes the role, operation, financing,  
22 and functions of the local coordinating entity  
23 and of each of the major activities contained in  
24 the management plan; and

1           ~~(B)~~ provides adequate assurances that the  
 2           local coordinating entity has the partnerships  
 3           and financial and other resources necessary to  
 4           implement the management plan for the Na-  
 5           tional Heritage Area.

6           ~~(b) DEADLINE.—~~

7           ~~(1) IN GENERAL.—~~Not later than 3 years after  
 8           the date on which funds are first made available to  
 9           develop the management plan after designation as a  
 10          National Heritage Area, the local coordinating entity  
 11          shall submit the management plan to the Secretary  
 12          for approval.

13          ~~(2) TERMINATION OF FUNDING.—~~If the man-  
 14          agement plan is not submitted to the Secretary in  
 15          accordance with paragraph ~~(1)~~, the local coordi-  
 16          nating entity shall not qualify for any additional fi-  
 17          nancial assistance under this Act until such time as  
 18          the management plan is submitted to and approved  
 19          by the Secretary.

20          ~~(c) APPROVAL OF MANAGEMENT PLAN.—~~

21          ~~(1) REVIEW.—~~Not later than 180 days after re-  
 22          ceiving the plan, the Secretary shall review and ap-  
 23          prove or disapprove the management plan for a Na-  
 24          tional Heritage Area on the basis of the criteria es-  
 25          tablished under paragraph ~~(3)~~.

1           (2) CONSULTATION.—The Secretary shall con-  
 2           sult with the Governor of each State in which the  
 3           National Heritage Area is located before approving  
 4           a management plan for the National Heritage Area.

5           (3) CRITERIA FOR APPROVAL.—In determining  
 6           whether to approve a management plan for a Na-  
 7           tional Heritage Area, the Secretary shall consider  
 8           whether—

9                   (A) the local coordinating entity represents  
 10           the diverse interests of the National Heritage  
 11           Area, including governments, natural and his-  
 12           toric resource protection organizations, edu-  
 13           cational institutions, businesses, recreational or-  
 14           ganizations, community residents, and private  
 15           property owners;

16                   (B) the local coordinating entity—  
 17                   (i) has afforded adequate opportunity  
 18                   for public and governmental involvement  
 19                   (including through workshops and hear-  
 20                   ings) in the preparation of the manage-  
 21                   ment plan; and

22                   (ii) provides for at least semiannual  
 23                   public meetings to ensure adequate imple-  
 24                   mentation of the management plan;

1           (C) the resource protection, enhancement,  
2           interpretation, funding, management, and de-  
3           velopment strategies described in the manage-  
4           ment plan, if implemented, would adequately  
5           protect, enhance, interpret, fund, manage, and  
6           develop the natural, historic, cultural, edu-  
7           cational, scenic, and recreational resources of  
8           the National Heritage Area;

9           (D) the management plan would not ad-  
10          versely affect any activities authorized on Fed-  
11          eral land under public land laws or land use  
12          plans;

13          (E) the local coordinating entity has dem-  
14          onstrated the financial capability, in partner-  
15          ship with others, to carry out the plan;

16          (F) the Secretary has received adequate  
17          assurances from the appropriate State and local  
18          officials whose support is needed to ensure the  
19          effective implementation of the State and local  
20          elements of the management plan; and

21          (G) the management plan demonstrates  
22          partnerships among the local coordinating enti-  
23          ty, Federal, State, and local governments, re-  
24          gional planning organizations, nonprofit organi-

1 zations, or private sector parties for implemen-  
2 tation of the management plan.

3 ~~(4) DISAPPROVAL.—~~

4 ~~(A) IN GENERAL.—~~If the Secretary dis-  
5 approves the management plan, the Secretary—

6 ~~(i)~~ shall advise the local coordinating  
7 entity in writing of the reasons for the dis-  
8 approval; and

9 ~~(ii)~~ may make recommendations to the  
10 local coordinating entity for revisions to  
11 the management plan.

12 ~~(B) DEADLINE.—~~Not later than 180 days  
13 after receiving a revised management plan, the  
14 Secretary shall approve or disapprove the re-  
15 vised management plan.

16 ~~(5) AMENDMENTS.—~~

17 ~~(A) IN GENERAL.—~~An amendment to the  
18 management plan that substantially alters the  
19 purposes of the National Heritage Area shall be  
20 reviewed by the Secretary and approved or dis-  
21 approved in the same manner as the original  
22 management plan.

23 ~~(B) IMPLEMENTATION.—~~The local coordi-  
24 nating entity shall not use Federal funds au-  
25 thorized by this Act to implement an amend-

1           ment to the management plan until the Sec-  
2           retary approves the amendment.

3 **SEC. 6. LOCAL COORDINATING ENTITIES.**

4           (a) DUTIES.—To further the purposes of the Na-  
5           tional Heritage Area, the local coordinating entity shall—

6                (1) prepare a management plan for the Na-  
7                tional Heritage Area, and submit the management  
8                plan to the Secretary, in accordance with section 5;

9                (2) submit an annual report to the Secretary  
10              for each fiscal year for which the local coordinating  
11              committee receives Federal funds under this Act,  
12              specifying—

13                    (A) the specific performance goals and ac-  
14                    complishments of the local coordinating com-  
15                    mittee;

16                    (B) the expenses and income of the local  
17                    coordinating committee;

18                    (C) the amounts and sources of matching  
19                    funds;

20                    (D) the amounts leveraged with Federal  
21                    funds and sources of the leveraging; and

22                    (E) grants made to any other entities dur-  
23                    ing the fiscal year;

24                (3) make available for audit for each fiscal year  
25              for which the local coordinating entity receives Fed-



1       eral funds under this Act, all information pertaining  
 2       to the expenditure of the funds and any matching  
 3       funds; and

4           (4) encourage economic viability and sustain-  
 5       ability that is consistent with the purposes of the  
 6       National Heritage Area.

7       (b) **AUTHORITIES.**—For the purposes of preparing  
 8       and implementing the approved management plan for the  
 9       National Heritage Area, the local coordinating entity may  
 10      use Federal funds made available under this Act to—

11           (1) make grants to political jurisdictions, non-  
 12      profit organizations, and other parties within the  
 13      National Heritage Area;

14           (2) enter into cooperative agreements with or  
 15      provide technical assistance to political jurisdictions,  
 16      nonprofit organizations, Federal agencies, and other  
 17      interested parties;

18           (3) hire and compensate staff, including individ-  
 19      uals with expertise in—

20           (A) natural, historical, cultural, edu-  
 21      cational, scenic, and recreational resource con-  
 22      servation;

23           (B) economic and community development;  
 24      and

25           (C) heritage planning;

- 1           (4) obtain funds or services from any source;  
 2           including other Federal laws or programs;  
 3           (5) contract for goods or services; and  
 4           (6) support activities of partners and any other  
 5           activities that further the purposes of the National  
 6           Heritage Area and are consistent with the approved  
 7           management plan.

8           ~~(c) PROHIBITION ON ACQUISITION OF REAL PROP-~~  
 9           ~~ERTY.—~~The local coordinating entity may not use Federal  
 10          funds authorized under this Act to acquire any interest  
 11          in real property.

12       **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

13          ~~(a) IN GENERAL.—~~Nothing in this Act affects the au-  
 14          thority of a Federal agency to provide technical or finan-  
 15          cial assistance under any other law.

16          ~~(b) CONSULTATION AND COORDINATION.—~~The head  
 17          of any Federal agency planning to conduct activities that  
 18          may have an impact on a National Heritage Area is en-  
 19          couraged to consult and coordinate the activities with the  
 20          Secretary and the local coordinating entity to the max-  
 21          imum extent practicable.

22          ~~(c) OTHER FEDERAL AGENCIES.—~~Nothing in this  
 23          Act—

24                ~~(1)~~ modifies, alters, or amends any law or regu-  
 25          lation authorizing a Federal agency to manage Fed-

1 eral land under the jurisdiction of the Federal agen-  
 2 cy;

3 ~~(2)~~ limits the discretion of a Federal land man-  
 4 ager to implement an approved land use plan within  
 5 the boundaries of a National Heritage Area; or

6 ~~(3)~~ modifies, alters, or amends any authorized  
 7 use of Federal land under the jurisdiction of a Fed-  
 8 eral agency.

9 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
 10 **TIONS.**

11 Nothing in this Act—

12 ~~(1)~~ abridges the rights of any property owner  
 13 (whether public or private), including the right to re-  
 14 frain from participating in any plan, project, pro-  
 15 gram, or activity conducted within the National Her-  
 16 itage Area;

17 ~~(2)~~ requires any property owner to permit pub-  
 18 lic access (including access by Federal, State, or  
 19 local agencies) to the property of the property  
 20 owner, or to modify public access or use of property  
 21 of the property owner under any other Federal,  
 22 State, or local law;

23 ~~(3)~~ alters any duly adopted land use regulation,  
 24 approved land use plan, or other regulatory author-  
 25 ity of any Federal, State or local agency, or conveys

1 any land use or other regulatory authority to any  
2 local coordinating entity;

3 ~~(4) authorizes or implies the reservation or ap-~~  
4 ~~propriation of water or water rights;~~

5 ~~(5) diminishes the authority of the State to~~  
6 ~~manage fish and wildlife, including the regulation of~~  
7 ~~fishing and hunting within the National Heritage~~  
8 ~~Area; or~~

9 ~~(6) creates any liability, or affects any liability~~  
10 ~~under any other law, of any private property owner~~  
11 ~~with respect to any person injured on the private~~  
12 ~~property.~~

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 ~~(a) SUITABILITY-FEASIBILITY STUDIES.—There is~~  
15 ~~authorized to be appropriated to conduct and review suit-~~  
16 ~~ability-feasibility studies under section 4 \$750,000 for~~  
17 ~~each fiscal year, of which not more than \$250,000 for any~~  
18 ~~fiscal year may be used for any individual suitability-feasi-~~  
19 ~~bility study for a proposed National Heritage Area.~~

20 ~~(b) LOCAL COORDINATING ENTITIES.—~~

21 ~~(1) IN GENERAL.—There is authorized to be~~  
22 ~~appropriated to carry out section 6 \$15,000,000 for~~  
23 ~~each fiscal year, of which not more than—~~

24 ~~(A) \$1,000,000 may be made available for~~  
25 ~~any fiscal year for any individual National Her-~~

itage Area, to remain available until expended;  
and

(B) a total of \$10,000,000 may be made  
available for all such fiscal years for any indi-  
vidual National Heritage Area.

(2) TERMINATION DATE.—

(A) IN GENERAL.—The authority of the  
Secretary to provide financial assistance to an  
individual local coordinating entity under this  
Act (excluding technical assistance and admin-  
istrative oversight) shall terminate on the date  
that is 15 years after the date of the initial re-  
ceipt of the assistance by the local coordinating  
committee.

(B) DESIGNATION.—A National Heritage  
Area shall retain the designation as a National  
Heritage Area after the termination date pre-  
scribed in subparagraph (A).

(3) ADMINISTRATION.—Not more than 5 per-  
cent of the amount of funds made available under  
paragraph (1) for a fiscal year may be used by the  
Secretary for technical assistance, oversight, and ad-  
ministrative purposes.

(c) MATCHING FUNDS.—

1           ~~(1) IN GENERAL.—~~As a condition of receiving a  
 2           grant under this Act, the recipient of the grant shall  
 3           provide matching funds in an amount that is equal  
 4           to the amount of the grant.

5           ~~(2) ADMINISTRATION.—~~The recipient matching  
 6           funds—

7                   ~~(A)~~ shall be derived from non-Federal  
 8           sources; and

9                   ~~(B)~~ may be made in the form of in-kind  
 10           contributions of goods or services fairly valued.

11   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12           ~~(a) SHORT TITLE.—~~*This Act may be cited as the “Na-*  
 13           *tional Heritage Partnership Act”.*

14           ~~(b) TABLE OF CONTENTS.—~~*The table of contents of this*  
 15           *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

*Sec. 3. National Heritage Areas program.*

*Sec. 4. Studies.*

*Sec. 5. Management plans.*

*Sec. 6. Local coordinating entities.*

*Sec. 7. Relationship to other Federal agencies.*

*Sec. 8. Private property and regulatory protections.*

*Sec. 9. Authorization of appropriations.*

16   **SEC. 2. DEFINITIONS.**

17           *In this Act:*

18                   ~~(1) LOCAL COORDINATING ENTITY.—~~*The term*  
 19           *“local coordinating entity” means the entity des-*  
 20           *ignated by Congress—*

1           (A) to develop, in partnership with others,  
 2           the management plan for a National Heritage  
 3           Area; and

4           (B) to act as a catalyst for the implementa-  
 5           tion of projects and programs among diverse  
 6           partners in the National Heritage Area.

7           (2) *MANAGEMENT PLAN.*—The term “manage-  
 8           ment plan” means the plan prepared by the local co-  
 9           ordinating entity for a National Heritage Area des-  
 10          ignated by Congress that specifies actions, policies,  
 11          strategies, performance goals, and recommendations  
 12          to meet the goals of the National Heritage Area, in  
 13          accordance with section 5.

14          (3) *NATIONAL HERITAGE AREA.*—The term “Na-  
 15          tional Heritage Area” means an area designated by  
 16          Congress that is nationally significant to the heritage  
 17          of the United States and meets the criteria established  
 18          under section 4(a).

19          (4) *NATIONAL IMPORTANCE.*—The term “na-  
 20          tional importance” means possession of—

21               (A) unique natural, historical, cultural,  
 22               educational, scenic, or recreational resources of  
 23               exceptional value or quality; and

1           (B) a high degree of integrity of location,  
 2           setting, or association in illustrating or inter-  
 3           preting the heritage of the United States.

4           (5) *PROGRAM*.—The term “program” means the  
 5           National Heritage Areas program established under  
 6           section 3(a).

7           (6) *PROPOSED NATIONAL HERITAGE AREA*.—The  
 8           term “proposed National Heritage Area” means an  
 9           area under study by the Secretary or other parties for  
 10          potential designation by Congress as a National Her-  
 11          itage Area.

12          (7) *SECRETARY*.—The term “Secretary” means  
 13          the Secretary of the Interior.

14          (8) *STUDY*.—The term “study” means a study  
 15          conducted by the Secretary, or conducted by 1 or more  
 16          other interested parties and reviewed by the Sec-  
 17          retary, in accordance with the criteria and processes  
 18          established under section 4, to determine whether an  
 19          area meets the criteria to be designated as a National  
 20          Heritage Area by Congress.

21 **SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.**

22          (a) *IN GENERAL*.—The Secretary shall establish a Na-  
 23          tional Heritage Areas program under which the Secretary  
 24          shall provide technical and financial assistance to local co-



1 *ordinating entities to support the establishment of National*  
2 *Heritage Areas.*

3 (b) *DUTIES.—Under the program, the Secretary*  
4 *shall—*

5 (1)(A) *conduct studies, as directed by Congress,*  
6 *to assess the suitability and feasibility of designating*  
7 *proposed National Heritage Areas; or*

8 (B) *review and comment on studies undertaken*  
9 *by other parties to make such assessment;*

10 (2) *provide technical assistance, on a reimburs-*  
11 *able or non-reimbursable basis (as determined by the*  
12 *Secretary), for the development and implementation*  
13 *of management plans for designated National Herit-*  
14 *age Areas;*

15 (3) *enter into cooperative agreements with inter-*  
16 *ested parties to carry out this Act;*

17 (4) *provide information, promote understanding,*  
18 *and encourage research on National Heritage Areas*  
19 *in partnership with local coordinating entities;*

20 (5) *provide national oversight, analysis, coordi-*  
21 *nation, and technical assistance and support to en-*  
22 *sure consistency and accountability under the pro-*  
23 *gram; and*

24 (6) *submit annually to the Committee on Re-*  
25 *sources of the House of Representatives and the Com-*

1        *mittee on Energy and Natural Resources of the Sen-*  
 2        *ate a report describing the allocation and expenditure*  
 3        *of funds for activities conducted with respect to Na-*  
 4        *tional Heritage Areas under this Act.*

5    **SEC. 4. STUDIES.**

6        (a) *CRITERIA.*—*In conducting or reviewing a study,*  
 7        *the Secretary shall apply the following criteria to determine*  
 8        *the suitability and feasibility of designating a proposed Na-*  
 9        *tional Heritage Area:*

10            (1) *An area—*

11                    (A) *has an assemblage of natural, historic,*  
 12                    *cultural, educational, scenic, or recreational re-*  
 13                    *sources that together are nationally important to*  
 14                    *the heritage of the United States;*

15                    (B) *represents distinctive aspects of the her-*  
 16                    *itage of the United States worthy of recognition,*  
 17                    *conservation, interpretation, and continuing use;*

18                    (C) *is best managed as such an assemblage*  
 19                    *through partnerships among public and private*  
 20                    *entities at the local or regional level;*

21                    (D) *reflects traditions, customs, beliefs, and*  
 22                    *folklife that are a valuable part of the heritage*  
 23                    *of the United States;*

1           (E) provides outstanding opportunities to  
2           conserve natural, historical, cultural, or scenic  
3           features;

4           (F) provides outstanding recreational or  
5           educational opportunities; and

6           (G) has resources and traditional uses that  
7           have national importance.

8           (2) Residents, business interests, nonprofit orga-  
9           nizations, and governments (including relevant Fed-  
10          eral land management agencies) within the proposed  
11          area are involved in the planning and have dem-  
12          onstrated significant support through letters and  
13          other means for National Heritage Area designation  
14          and management.

15          (3) The local coordinating entity responsible for  
16          preparing and implementing the management plan is  
17          identified.

18          (4) The proposed local coordinating entity and  
19          units of government supporting the designation are  
20          willing and have documented a significant commit-  
21          ment to work in partnership to protect, enhance, in-  
22          terpret, fund, manage, and develop resources within  
23          the National Heritage Area.

24          (5) The proposed local coordinating entity has  
25          developed a conceptual financial plan that outlines

1        *the roles of all participants (including the Federal*  
 2        *Government) in the management of the National Her-*  
 3        *itage Area.*

4            (6) *The proposal is consistent with continued*  
 5        *economic activity within the area.*

6            (7) *A conceptual boundary map has been devel-*  
 7        *oped and is supported by the public and partici-*  
 8        *pating Federal agencies.*

9        (b) *CONSULTATION.—In conducting or reviewing a*  
 10       *study, the Secretary shall consult with the managers of any*  
 11       *Federal land within the proposed National Heritage Area*  
 12       *and secure the concurrence of the managers with the find-*  
 13       *ings of the study before making a determination for des-*  
 14       *ignation.*

15       (c) *TRANSMITTAL.—On completion or receipt of a*  
 16       *study for a National Heritage Area, the Secretary shall—*

17            (1) *review, comment, and make findings (in ac-*  
 18        *cordance with the criteria specified in subsection (a))*  
 19        *on the feasibility of designating the National Heritage*  
 20        *Area;*

21            (2) *consult with the Governor of each State in*  
 22        *which the proposed National Heritage Area is located;*  
 23        *and*

24            (3) *transmit to the Committee on Resources of*  
 25        *the House of Representatives and the Committee on*

1       *Energy and Natural Resources of the Senate, the*  
 2       *study, including—*

3               *(A) any comments received from the Gov-*  
 4               *ernor of each State in which the proposed Na-*  
 5               *tional Heritage Area is located; and*

6               *(B) a finding as to whether the proposed*  
 7               *National Heritage Area meets the criteria for*  
 8               *designation.*

9       *(d) DISAPPROVAL.—If the Secretary determines that*  
 10       *any proposed National Heritage Area does not meet the cri-*  
 11       *teria for designation, the Secretary shall include within the*  
 12       *study submitted under subsection (c)(3) a description of the*  
 13       *reasons for the determination.*

14       *(e) DESIGNATION.—The designation of a National*  
 15       *Heritage Area shall be—*

16               *(1) by Act of Congress; and*

17               *(2) contingent on the prior completion of a study*  
 18       *and an affirmative determination by the Secretary*  
 19       *that the area meets the criteria established under sub-*  
 20       *section (a).*

21       **SEC. 5. MANAGEMENT PLANS.**

22       *(a) REQUIREMENTS.—The management plan for any*  
 23       *National Heritage Area shall—*

24               *(1) describe comprehensive policies, goals, strate-*  
 25       *gies, and recommendations for telling the story of the*

1        *heritage of the area covered by the National Heritage*  
 2        *Area and encouraging long-term resource protection,*  
 3        *enhancement, interpretation, funding, management,*  
 4        *and development of the National Heritage Area;*

5            *(2) include a description of actions and commit-*  
 6        *ments that governments, private organizations, and*  
 7        *citizens will take to protect, enhance, interpret, fund,*  
 8        *manage, and develop the natural, historical, cultural,*  
 9        *educational, scenic, and recreational resources of the*  
 10       *National Heritage Area;*

11           *(3) specify existing and potential sources of*  
 12        *funding or economic development strategies to protect,*  
 13        *enhance, interpret, fund, manage, and develop the Na-*  
 14        *tional Heritage Area;*

15           *(4) include an inventory of the natural, histor-*  
 16        *ical, cultural, educational, scenic, and recreational re-*  
 17        *sources of the National Heritage Area related to the*  
 18        *national importance and themes of the National Her-*  
 19        *itage Area that should be protected, enhanced, inter-*  
 20        *preted, managed, funded, and developed;*

21           *(5) recommend policies and strategies for re-*  
 22        *source management, including the development of*  
 23        *intergovernmental and interagency agreements to pro-*  
 24        *tect, enhance, interpret, fund, manage, and develop*  
 25        *the natural, historical, cultural, educational, scenic,*

1       *and recreational resources of the National Heritage*  
 2       *Area;*

3               *(6) describe a program for implementation for*  
 4       *the management plan, including—*

5                       *(A) performance goals;*

6                       *(B) plans for resource protection, enhance-*  
 7                       *ment, interpretation, funding, management, and*  
 8                       *development; and*

9                       *(C) specific commitments for implementa-*  
 10                      *tion that have been made by the local coordi-*  
 11                      *nating entity or any government agency, organi-*  
 12                      *zation, business, or individual;*

13               *(7) include an analysis of, and recommendations*  
 14       *for, means by which Federal, State, and local pro-*  
 15       *grams may best be coordinated (including the role of*  
 16       *the National Park Service and other Federal agencies*  
 17       *associated with the National Heritage Area) to fur-*  
 18       *ther the purposes of this Act; and*

19               *(8) include a business plan that—*

20                       *(A) describes the role, operation, financing,*  
 21                       *and functions of the local coordinating entity*  
 22                       *and of each of the major activities contained in*  
 23                       *the management plan; and*

24                       *(B) provides adequate assurances that the*  
 25                       *local coordinating entity has the partnerships*

1           *and financial and other resources necessary to*  
 2           *implement the management plan for the National*  
 3           *Heritage Area.*

4           **(b) DEADLINE.—**

5           **(1) IN GENERAL.—***Not later than 3 years after*  
 6           *the date on which funds are first made available to*  
 7           *develop the management plan after designation as a*  
 8           *National Heritage Area, the local coordinating entity*  
 9           *shall submit the management plan to the Secretary*  
 10          *for approval.*

11          **(2) TERMINATION OF FUNDING.—***If the manage-*  
 12          *ment plan is not submitted to the Secretary in ac-*  
 13          *cordance with paragraph (1), the local coordinating*  
 14          *entity shall not qualify for any additional financial*  
 15          *assistance under this Act until such time as the man-*  
 16          *agement plan is submitted to and approved by the*  
 17          *Secretary.*

18          **(c) APPROVAL OF MANAGEMENT PLAN.—**

19          **(1) REVIEW.—***Not later than 180 days after re-*  
 20          *ceiving the plan, the Secretary shall review and ap-*  
 21          *prove or disapprove the management plan for a Na-*  
 22          *tional Heritage Area on the basis of the criteria estab-*  
 23          *lished under paragraph (3).*

24          **(2) CONSULTATION.—***The Secretary shall consult*  
 25          *with the Governor of each State in which the National*



1     *Heritage Area is located before approving a manage-*  
 2     *ment plan for the National Heritage Area.*

3             (3) *CRITERIA FOR APPROVAL.—In determining*  
 4     *whether to approve a management plan for a Na-*  
 5     *tional Heritage Area, the Secretary shall consider*  
 6     *whether—*

7                     (A) *the local coordinating entity represents*  
 8                     *the diverse interests of the National Heritage*  
 9                     *Area, including governments, natural and his-*  
 10                    *toric resource protection organizations, edu-*  
 11                    *cational institutions, businesses, recreational or-*  
 12                    *ganizations, community residents, and private*  
 13                    *property owners;*

14                    (B) *the local coordinating entity—*

15                             (i) *has afforded adequate opportunity*  
 16                             *for public and governmental involvement*  
 17                             *(including through workshops and hearings)*  
 18                             *in the preparation of the management plan;*  
 19                             *and*

20                             (ii) *provides for at least semiannual*  
 21                             *public meetings to ensure adequate imple-*  
 22                             *mentation of the management plan;*

23                    (C) *the resource protection, enhancement,*  
 24                    *interpretation, funding, management, and devel-*  
 25                    *opment strategies described in the management*

1        *plan, if implemented, would adequately protect,*  
 2        *enhance, interpret, fund, manage, and develop*  
 3        *the natural, historic, cultural, educational, sce-*  
 4        *nic, and recreational resources of the National*  
 5        *Heritage Area;*

6                *(D) the management plan would not ad-*  
 7        *versely affect any activities authorized on Fed-*  
 8        *eral land under public land laws or land use*  
 9        *plans;*

10              *(E) the local coordinating entity has dem-*  
 11        *onstrated the financial capability, in partner-*  
 12        *ship with others, to carry out the plan;*

13              *(F) the Secretary has received adequate as-*  
 14        *surances from the appropriate State and local*  
 15        *officials whose support is needed to ensure the ef-*  
 16        *fective implementation of the State and local ele-*  
 17        *ments of the management plan; and*

18              *(G) the management plan demonstrates*  
 19        *partnerships among the local coordinating enti-*  
 20        *ty, Federal, State, and local governments, re-*  
 21        *gional planning organizations, nonprofit organi-*  
 22        *zations, or private sector parties for implementa-*  
 23        *tion of the management plan.*

24        *(4) DISAPPROVAL.—*

1           (A) *IN GENERAL.*—If the Secretary dis-  
2           approves the management plan, the Secretary—

3                   (i) shall advise the local coordinating  
4                   entity in writing of the reasons for the dis-  
5                   approval; and

6                   (ii) may make recommendations to the  
7                   local coordinating entity for revisions to the  
8                   management plan.

9           (B) *DEADLINE.*—Not later than 180 days  
10           after receiving a revised management plan, the  
11           Secretary shall approve or disapprove the revised  
12           management plan.

13       (5) *AMENDMENTS.*—

14           (A) *IN GENERAL.*—An amendment to the  
15           management plan that substantially alters the  
16           purposes of the National Heritage Area shall be  
17           reviewed by the Secretary and approved or dis-  
18           approved in the same manner as the original  
19           management plan.

20           (B) *IMPLEMENTATION.*—The local coordi-  
21           nating entity shall not use Federal funds author-  
22           ized by this Act to implement an amendment to  
23           the management plan until the Secretary ap-  
24           proves the amendment.

1 **SEC. 6. LOCAL COORDINATING ENTITIES.**

2       (a) *DUTIES.*—*To further the purposes of the National*  
 3 *Heritage Area, the local coordinating entity shall—*

4           (1) *prepare a management plan for the National*  
 5 *Heritage Area, and submit the management plan to*  
 6 *the Secretary, in accordance with section 5;*

7           (2) *submit an annual report to the Secretary for*  
 8 *each fiscal year for which the local coordinating com-*  
 9 *mittee receives Federal funds under this Act, speci-*  
 10 *fying—*

11           (A) *the specific performance goals and ac-*  
 12 *complishments of the local coordinating com-*  
 13 *mittee;*

14           (B) *the expenses and income of the local co-*  
 15 *ordinating committee;*

16           (C) *the amounts and sources of matching*  
 17 *funds;*

18           (D) *the amounts leveraged with Federal*  
 19 *funds and sources of the leveraging; and*

20           (E) *grants made to any other entities dur-*  
 21 *ing the fiscal year;*

22           (3) *make available for audit for each fiscal year*  
 23 *for which the local coordinating entity receives Fed-*  
 24 *eral funds under this Act, all information pertaining*  
 25 *to the expenditure of the funds and any matching*  
 26 *funds; and*

1           (4) *encourage economic viability and sustain-*  
 2           *ability that is consistent with the purposes of the Na-*  
 3           *tional Heritage Area.*

4           (b) *AUTHORITIES.*—*For the purposes of preparing and*  
 5           *implementing the approved management plan for the Na-*  
 6           *tional Heritage Area, the local coordinating entity may use*  
 7           *Federal funds made available under this Act to—*

8                   (1) *make grants to political jurisdictions, non-*  
 9                   *profit organizations, and other parties within the Na-*  
 10                  *tional Heritage Area;*

11                  (2) *enter into cooperative agreements with or*  
 12                  *provide technical assistance to political jurisdictions,*  
 13                  *nonprofit organizations, Federal agencies, and other*  
 14                  *interested parties;*

15                  (3) *hire and compensate staff, including individ-*  
 16                  *uals with expertise in—*

17                           (A) *natural, historical, cultural, edu-*  
 18                           *cational, scenic, and recreational resource con-*  
 19                           *servation;*

20                           (B) *economic and community development;*  
 21                           *and*

22                           (C) *heritage planning;*

23                  (4) *obtain funds or services from any source, in-*  
 24                  *cluding other Federal laws or programs;*

25                  (5) *contract for goods or services; and*

1           (6) *support activities of partners and any other*  
 2           *activities that further the purposes of the National*  
 3           *Heritage Area and are consistent with the approved*  
 4           *management plan.*

5           (c) *PROHIBITION ON ACQUISITION OF REAL PROP-*  
 6           *ERTY.—The local coordinating entity may not use Federal*  
 7           *funds authorized under this Act to acquire any interest in*  
 8           *real property.*

9           **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

10          (a) *IN GENERAL.—Nothing in this Act affects the au-*  
 11          *thority of a Federal agency to provide technical or financial*  
 12          *assistance under any other law.*

13          (b) *CONSULTATION AND COORDINATION.—The head of*  
 14          *any Federal agency planning to conduct activities that may*  
 15          *have an impact on a National Heritage Area is encouraged*  
 16          *to consult and coordinate the activities with the Secretary*  
 17          *and the local coordinating entity to the maximum extent*  
 18          *practicable.*

19          (c) *OTHER FEDERAL AGENCIES.—Nothing in this*  
 20          *Act—*

21                 (1) *modifies, alters, or amends any law or regu-*  
 22                 *lation authorizing a Federal agency to manage Fed-*  
 23                 *eral land under the jurisdiction of the Federal agency;*

1           (2) *limits the discretion of a Federal land man-*  
 2           *ager to implement an approved land use plan within*  
 3           *the boundaries of a National Heritage Area; or*

4           (3) *modifies, alters, or amends any authorized*  
 5           *use of Federal land under the jurisdiction of a Fed-*  
 6           *eral agency.*

7   **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
 8                           **TIONS.**

9       *Nothing in this Act—*

10           (1) *abridges the rights of any property owner*  
 11           *(whether public or private), including the right to re-*  
 12           *frain from participating in any plan, project, pro-*  
 13           *gram, or activity conducted within the National Her-*  
 14           *itage Area;*

15           (2) *requires any property owner to permit public*  
 16           *access (including access by Federal, State, or local*  
 17           *agencies) to the property of the property owner, or to*  
 18           *modify public access or use of property of the prop-*  
 19           *erty owner under any other Federal, State, or local*  
 20           *law;*

21           (3) *alters any duly adopted land use regulation,*  
 22           *approved land use plan, or other regulatory authority*  
 23           *of any Federal, State or local agency, or conveys any*  
 24           *land use or other regulatory authority to any local co-*  
 25           *ordinating entity;*

1           (4) *authorizes or implies the reservation or ap-*  
 2           *propriation of water or water rights;*

3           (5) *diminishes the authority of the State to man-*  
 4           *age fish and wildlife, including the regulation of fish-*  
 5           *ing and hunting within the National Heritage Area;*  
 6           *or*

7           (6) *creates any liability, or affects any liability*  
 8           *under any other law, of any private property owner*  
 9           *with respect to any person injured on the private*  
 10          *property.*

11   **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

12          (a) *STUDIES.*—*There is authorized to be appropriated*  
 13          *to conduct and review studies under section 4 \$750,000 for*  
 14          *each fiscal year, of which not more than \$250,000 for any*  
 15          *fiscal year may be used for any individual study for a pro-*  
 16          *posed National Heritage Area.*

17          (b) *LOCAL COORDINATING ENTITIES.*—

18               (1) *IN GENERAL.*—*There is authorized to be ap-*  
 19               *propriated to carry out section 6 \$15,000,000 for each*  
 20               *fiscal year, of which not more than—*

21                       (A) *\$1,000,000 may be made available for*  
 22                       *any fiscal year for any individual National Her-*  
 23                       *itage Area, to remain available until expended;*  
 24                       *and*



1           (B) a total of \$10,000,000 may be made  
2           available for all such fiscal years for any indi-  
3           vidual National Heritage Area.

4           (2) *TERMINATION DATE.*—

5           (A) *IN GENERAL.*—The authority of the Sec-  
6           retary to provide financial assistance to an indi-  
7           vidual local coordinating entity under this Act  
8           (excluding technical assistance and administra-  
9           tive oversight) shall terminate on the date that is  
10          15 years after the date of the initial receipt of  
11          the assistance by the local coordinating com-  
12          mittee.

13          (B) *DESIGNATION.*—A National Heritage  
14          Area shall retain the designation as a National  
15          Heritage Area after the termination date pre-  
16          scribed in subparagraph (A).

17          (3) *ADMINISTRATION.*—Not more than 5 percent  
18          of the amount of funds made available under para-  
19          graph (1) for a fiscal year may be used by the Sec-  
20          retary for technical assistance, oversight, and admin-  
21          istrative purposes.

22          (c) *MATCHING FUNDS.*—

23          (1) *IN GENERAL.*—As a condition of receiving a  
24          grant under this Act, the recipient of the grant shall

1        *provide matching funds in an amount that is equal*  
2        *to the amount of the grant.*

3            (2) *ADMINISTRATION.—The recipient matching*  
4        *funds—*

5            (A) *shall be derived from non-Federal*  
6        *sources; and*

7            (B) *may be made in the form of in-kind*  
8        *contributions of goods or services fairly valued.*



Calendar No. 685

108TH CONGRESS  
2D Session

**S. 2543**

[Report No. 108-329]

**A BILL**

To establish a program and criteria for National  
Heritage Areas in the United States, and for  
other purposes.

AUGUST 25, 2004

Reported with an amendment